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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,962	01/09/2002	John Kenneth Kirby	46309/268666	2786

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,962

Applicant(s)

KIRBY, JOHN KENNETH

Examiner

Patricia L. Nordmeyer

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 22-24, 26 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 22-24, 26 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawn Rejections

1. The objection to the specification in the paper dated June 17, 2003 is withdrawn due to the submission of an abstract on November 17, 2003.

Repeated Rejection

2. The 35 U.S.C. 112 2nd paragraph rejection of claims 6 and 8 in the paper dated June 17, 2003 is repeated for the reasons previously of record.
3. The 35 U.S.C. 102(b) rejection of claims 1, 2, 7, 8 and 10 as anticipated by Fetherston et al. in the paper dated June 17, 2003 is repeated for the reasons previously of record since neither the amendments nor the arguments are persuasive.

With regard to the Applicant's amendment that the planar layer is nonadhesively bonded to plastics layer, Fetherston et al. disclose that the layers are molded together with the resin material being cured through the use of heat (Column 3, line 61 to line 25).

4. The 35 U.S.C. 102(b) rejection of claims 1 – 3 and 7 – 9 as anticipated by Van Auken in the paper dated June 17, 2003 is repeated for the reasons previously of record since neither the amendments nor the arguments are persuasive.

With regard to the Applicant's amendment that the planar layer is nonadhesively bonded to plastics layer, Van Auken discloses that the layers are molded together with the resin material being cured (Column 3, lines 40 – 55).

5. The 35 U.S.C. 102(b) rejection of claims 1, 2, 5, 6, 24 and 26 as anticipated by Roberts in the paper dated June 17, 2003 is repeated for the reasons previously of record since neither the amendments nor the arguments are persuasive.

With regard to the Applicant's amendment that the planar layer is nonadhesively bonded to plastics layer, Roberts discloses that the layers are molded together with the resin material (Column 26, lines 15 – 22).

6. The 35 U.S.C. 102(b) rejection of claims 1 – 5, 7 – 9 and 22 as anticipated by Altshuler et al. in the paper dated June 17, 2003 is repeated for the reasons previously of record since neither the amendments nor the arguments are persuasive.

With regard to the Applicant's amendment that the planar layer is nonadhesively bonded to plastics layer, Altshuler discloses that the layers are coated upon each other with the resin material and sprinkled with the anti-slip particles before being cured (Column 4, lines 32 – 45).

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7. The 35 U.S.C. 103 rejection of claims 10 – 12 over Altshuler et al. in the paper dated June 17, 2003 is repeated for the reasons previously of record since neither the amendments nor the arguments are persuasive.

8. The 35 U.S.C. 103 rejection of claim 23 over Altshuler et al. in view of West in the paper dated June 17, 2003 is repeated for the reasons previously of record since neither the amendments nor the arguments are persuasive.

9. The 35 U.S.C. 103 rejection of claims 28 – 30 over Altshuler et al. in view of Cordani in the paper dated June 17, 2003 is repeated for the reasons previously of record since neither the amendments nor the arguments are persuasive.

10. The 35 U.S.C. 103 rejection of claim 31 over Altshuler et al. in view of Cordani and Kubota in the paper dated June 17, 2003 is repeated for the reasons previously of record since neither the amendments nor the arguments are persuasive.

Response to Arguments

11. Applicant's arguments filed November 8, 2004 with regard to the 102(b) and 103 rejections have been fully considered but they are not persuasive. In response to the Applicant's argument that the amendment places the claims in condition for allowance, please see the above rejections with respect to the new amendment.

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Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln
pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

12/21/04